SUBJECT No. 12.

Abolition of capital punishment.

Mr. K. Chandrasekhariah, Bar Association, Mysore.

Summary of discussion.—Capital punishment may be abolished in the State.

Mr. Venkatasamiah.—Murders have not ceased in spite of capital punishment. People hesitate to give evidence for fear because they may thereby indirectly bring about the accused's death. True evidence will not thus be forthcoming. Therefore capital punishment should be abolished.

Mr. G. Srinivasamurthi spoke against the proposal.

Reply of Government.—Will not be removed.

JUDICIAL.

(*Nos. 13—39.*)

SUBJECT No. 13.

Amendment of the Civil Procedure Code.

Mr. G. Srinivasamurti, Alur Sub-Taluk.

Summary of discussion.—The execution of civil decrees on defendants sometimes involves frequent transfers of decrees to different jurisdictions when the defendant happens to be outside the jurisdiction of the court granting the decree. This procedure involves loss to the plaintiff and sometimes the decree becomes barred by limitation. The original court may be empowered to issue execution warrants on defendants wherever they may happen to be for the time being, as in the case of attachment of the pay of officials.

Reply of Government.—Not feasible.

SUBJECT No. 14.

Separation of judicial and executive functions.

Messrs. Bhima Rao, Channagiri taluk; K. Shankaranarayana Rao, Shimoga taluk; Siddappa, Ramanna, Shankarappa and K. Channakesaviah, Tirthahalli taluk; B. Narasinga Rao, Seringapatam taluk; Padmanna, Chandrasekhariah and K. Venkatasamiah, Nanjangud taluk; Srinivasachar, T.-Narsipur taluk; A. R. Nageswara Iyer, Law Association, Bangalore; B. Gundu Rao, D. Srikanta Rao and Gurunanja Wadiyar, Devanhalli taluk and M. Subbasetti, Devanhalli Municipality; B. Srinivasiengar, Anekal taluk; and K. Ramanna, Hole-Narsipur taluk.

Summary of discussion.—I. Amildars may have no magisterial functions for the undermentioned reasons:—

(i) There is considerable increase of work in recent years.

(ii) They are important Police functionaries.

(iii) They will find more time for touring and to devote attention to questions relating to the material advancement of the people.

(iv) Popular confidence in the administration of criminal justice will increase.

(v) Excessive cost may be avoided by investing the Taluk Sheristedars and selected Sub-Registrars with magisterial powers.

II. Generally, the judicial may be separated from the executive functions. As a beginning, the following measures may be adopted with a view to avoid excessive cost:—

(*a*) Sub-Judges and Munsiffs may be invested with magisterial functions, their number being increased, if necessary.

(*b*) In every district, appeals from the orders and sentences passed by magistrates who are also executive

officers may be heard only by officers who have no work other than judicial.

It was admitted by the members that there were certain difficulties in the way, one of which was want of funds and a suggestion was made that the experiment might be tried in one district and introduced in the other districts should it prove a success and that the separation of the functions might commence with the Amildars.

Mr. B. Narasinga Rao and some others said that, in case Government intended to invest Sub-Registrars with magisterial powers, people would be content with the continuance of the existing system.

Reply of Government.—The question is under consideration.

SUBJECT No. 15.

Quarters to police constables.

Mr. K. S. Santhanam Iyengar, Closepet Municipality.

Summary of discussion.—Police lines to the constables may be built at places where accommodation is not easily procurable.

Reply of Government.—This is being done as far as possible.

SUBJECT No. 16.

Removal of distinction between first and second grade pleaders.

Mr. B. Kesavaiya, Chikmagalur taluk.

Summary of discussion.—The distinction between first and second grade pleaders may be removed.

Reply of Government.—The whole question is under the consideration of Government.

SUBJECT No. 17.

Revision of establishments of civil courts.

Mr. K. Ramanna, Hole-Narsipur taluk.

Withdrawn, as orders have already been passed by Government.

SUBJECT No. 18.

Transfer of small cause suits from the Sub-Judge's Court at Mysore to the Munsiff Court at Hole-Narsipur.

Messrs. K. Ramanna, Hole-Narsipur taluk, and N. Venkatachar, Hole Narsipur Municipality.

Summary of discussion.—Civil suits of Mirle, Saligrama and Hole-Narsipur hoblis up to Rs. 50 are disposed of by the Munsiff of Hole-Narsipur. But suits from Rs. 50 to Rs. 100 of the said hoblis are disposed of by the Sub-Judge at Mysore on the small cause side.

The Munsiff of Hole-Narsipur may be empowered to dispose of suits from Rs. 50 to Rs. 100 and the great inconvenience and loss to the parties removed.

Reply of Government.—Under consideration.

SUBJECT No. 19.

Lapse deposits in civil courts.

Messrs. Kodandarama Setti, Anantarajappa and Anantalakshminaranappa, Tumkur taluk.

Summary of discussion.—Decree amounts of civil courts lapse to Government after three years of their deposit, in some cases, without the knowledge of the claimants. The claimants may be given due notice before the amounts are allowed to lapse to Government.

Reply of Government.—Delay may be prevented by courts. Instructions will, however, issue to the Comptroller to expedite refunds of lapsed deposits.